

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ANTHONY SMITH,

Plaintiff.

v.

EXPRESS SERVICES, INC.

Defendant.

Case No. 1:23-cv-02855

Hon. Sharon Johnson Coleman

JOINT INITIAL STATUS REPORT

Plaintiff, Anthony Smith ("Plaintiff"), and Defendant, Express Services, Inc., ("Defendant"), through their respective counsel, submit the following joint initial status report:

I. Nature of the Case

A. Attorneys of Record:

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B. Nature of the Claims:

Plaintiff's lawsuit arises under the Civil Rights Act of 1964, as amended, 42 U.S.C. §1981 ("Section 1981") and Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e et seq. ("Title VII"), seeking

redress for Defendants alleged race-based discrimination, race-based harassment, and retaliation under Title VII. Defendant denies these allegations and denies that it violated Plaintiff's rights.

C. Major Legal and Factual Issues:

- I. Whether the alleged conduct occurred;
- II. Whether alleged conduct was unwelcome;
- III. Whether the work environment was objectively and subjectively offensive;
- IV. Whether the alleged harassment complained of was based on Race;
- V. Whether the alleged discrimination was based on Race;
- VI. Whether the alleged conduct was either severe or pervasive;
- VII. Whether there is a basis for employer liability;
- VIII. Whether there was a materially adverse action taken by the employer motivated by unlawful discrimination;
- IX. Whether Plaintiff was damaged; and
- X. Whether Plaintiff mitigated any damages;
- XI. Whether Plaintiff met legitimate performance expectations;
- XII. Whether and when Plaintiff complained of race-based discrimination and harassment;
- XIII. Whether Express knew about the alleged harassment or discrimination experienced by Plaintiff;
- XIV. Whether, in response to what Express knew about the alleged harassment and discrimination, it took appropriate action in response to Plaintiff's complaint.

D. Relief Sought by Plaintiff:

Plaintiff seeks:

- i. Back pay and benefits;
- ii. Interest on all back pay recoverable;
- iii. Compensatory and punitive damages;
- iv. Pre-judgment interest;
- v. Reasonable attorneys' fees and costs; and
- vi. Any other relief this Court may deem just and equitable

E. Status of Case:

Defendant has filed its answer to Plaintiff's complaint.

II. Pending Motions

Defendant's Joint Motion to Reset Status Hearing to the week of July 10 or later.

The Parties are currently scheduled to appear for a Status Hearing on July 5, 2023, at 9:45am

III. Proposed Case Plan

I. Type of Discovery Needed:

- I.** Written and oral discovery will be needed, including employment documents related to Plaintiff and the alleged harasser, employment policies and trainings, text messages, other electronic communications, witness statements, , and damages-related discovery.
 - II.** Discovery from plaintiff will be needed, including disclosure of history of employment and medical history, and responses to interrogatories and document requests.
 - III.** Discovery may encompass electronically stored information (ESI). The parties have agreed to electronic service and do not anticipate any issues regarding disclosure or discovery of ESI.
 - IV.** At this time, there are no issues or specific agreements regarding claims of privilege or protection of trial preparation materials, except that the parties desire that the Court enter an order regarding a procedure to assert such claims after production pursuant to Federal Rule of Evidence 502(d). The parties anticipate submitting to the Court a proposed Confidentiality Order, which will be based on the Model Confidentiality Order under Form LR 26.2.
- II.** Fed. R. Civ. P. 26(a)(1) Disclosures to be exchanged on or before: **July 28, 2023.**
- III.** First date by which to issue written discovery will be **July 28, 2023.**
- IV.** Parties will complete Discovery by **February 28, 2024.**
- V.** At this time, the parties are unsure about the need for expert discovery and request a status hearing near the completion of fact discovery to advise the Court whether expert discovery is needed.
- VI.** Deadline to file any dispositive motions: **March 28, 2024.**

IV. Trial

Plaintiff demands a jury trial. The parties estimate 3 days for the length of the trial.

V. Status of Settlement Discussions

Plaintiff has made an initial settlement demand.

The Parties have been unable to resolve this matter.

Plaintiff believes mediation may be productive at this time. Defendant does not believe mediation would be useful at this juncture.

VI. Consent to Proceed Before Magistrate Judge

Counsel has informed their respective clients about the possibility of proceeding before the assigned Magistrate Judge for all purposes, including trial and entry of final judgment, and the parties do not unanimously consent to that procedure

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Dated: June 29, 2023

Respectfully submitted,

s/ Alexander Taylor

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One of the Attorney for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of June, 2023, a true and correct copy foregoing has been provided via electronic mail and/or via U.S. mail to following:

/s/ Alexander Taylor

Alexander Taylor, ESQ.